

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

PAMELA TABATT,
RICHARD GROSS, and
PAUL BERRA, JR.,

Defendants.

Case No. 4:14CR00187 JAR

AMENDED PRELIMINARY ORDER OF FORFEITURE

WHEREAS the United States sought forfeiture of specific property of Defendants Pamela Tabatt, Richard Gross, and Paul Berra, Jr. pursuant to Title 18, United States Code, Sections 982(a)(1) and 981(a)(1)(C), Title 21, United States Code, Sections 853 and 970, and Title 28, United States Code, Section 2461(c), as set forth in the Indictment;

AND WHEREAS, Defendants pleaded guilty to charges in the Indictment regarding the identified property subject to forfeiture;

AND WHEREAS, by virtue of said pleas of guilty, the United States is now entitled to possession of said property, pursuant to Title 18, United States Code, Sections 982(a)(1) and 981(a)(1)(C), Title 21, United States Code, Sections 853 and 970, and Title 28, United States Code, Section 2461(c);

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. That the following property belonging to Defendants is hereby forfeited to the United States for the disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853:

- (a) \$9,242.75 U.S. Currency;
- (b) \$82,939.00 U.S. Currency;
- (c) \$3,437.00 U.S. Currency;
- (d) Approximately \$99,849.34 from First Community Credit Union, Acct. #920301106;
- (e) Approximately \$85,592.33 from First Community Credit Union, Acct. #920301120;
- (f) Approximately \$148,962.31 from First Community Credit Union, Acct. #920301113;
- (g) Approximately \$137,883.46 from First Community Credit Union, Acct. #920301108;
- (h) Approximately \$84,942.94 from First Community Credit Union, Acct. #920304510;
- (i) Approximately \$85,059.82 from First Community Credit Union, Acct. #920304515;
- (j) Approximately \$77,328.14 from First Community Credit Union, Acct. #920301118;
- (k) Approximately \$68,996.56 from First Community Credit Union, Acct. #920301122;
- (l) Approximately \$325,817.63 from Fifth Third Bank, Acct. #7410358233;

- (m) Approximately \$15,112.84 from Fifth Third Bank, Acct. #7410277995;
- (n) Approximately \$391,394.48 from Fifth Third Bank, Acct. #7410440866;
- (o) 2008 Ford F450 Pickup Truck, VIN: 1FTXW43R48EA69349;
- (p) 2011 Chevrolet Traverse LTZ, VIN: 1GNKVLED6BJ211957;
- (q) All monies, funds, and financial instruments deposited or credited to an annuity held with Pacific Life Insurance Company, contents of contract number FP13001038, account in the name of Karen Timmermeier;
- (r) All monies, funds, and financial instruments deposited or credited to an annuity held with Integrity Life Insurance Company, contents of contract number 2130301781, account in the name of Karen Timmermeier;
- (s) All monies, funds, and financial instruments deposited or credited to an annuity held with Integrity Life Insurance Company, contents of contract number 2130280221, account in the name of Pamela Tabatt;
- (t) All monies, funds, and financial instruments deposited or credited to an annuity held with Nationwide Mutual Insurance Company, contents of contract number 03-1300976, account in the name of Pamela Tabatt;
- (u) Approximately \$87,540.30 from Fifth Third Securities Acct. #072-059846;
- (v) Approximately \$43,424.44 from US Bank, Acct. #152316074474
- (w) Real Property at 2043 Lick Creek Drive, Wentzville, Missouri 63385 more particularly described as follows:

Lot 32 of Peine Ridge Plat One, as per plat thereof recorded in Plat Book 36 page 274 of the St. Charles County Records,

Parcel ID: 4-0009-8408-00-0032.00000000;

- (x) Real Property at 237 Split Rail Drive, Wentzville, Missouri 63385; more particularly described as follows:

Lot 69 of Summer Brook Plat Seven, formerly known as White Fence Estates Plat Six, as per plat thereof recorded in Plat Book 37 Page 151 of the St. Charles County Records;

Parcel ID: 4-0010-8570-00-0069.00000000;

- (y) Real Property at 1801 Thoele Road, St. Peters, Missouri 63376; more particularly described as follows:

Lot 8-B of "Resubdivision of Tract "B" Park Charles South Plat One" according to the Plat thereof recorded in Plat Book 20, Page 72 of the St. Charles County Records;

Parcel ID: 3-0009-5238-00-0008.B0000000;

- (z) Real Property at 1029 Highway 47 East, Troy, Missouri 63379; more particularly described as follows:

A 3.00 acre tract of land located in Lincoln County within East ½ of Section 21, Township 49 North, Range 1 East of the 5th P.M. and being more particularly described as follows: Commencing at the center of said Section 21; thence South 01 degree 23' 30" East 2628.56 feet to a point; thence South 89 degrees 21' 50 " East 635.91 feet to a point; thence North 01 degree 23' 30" West 480.93 feet to a point; thence North 88 degrees 36' 20" East 173.10 feet to the point of beginning of the tract herein described; thence North 01 degree 20' 10" West 107.13 feet to a point; thence North 88 degrees 39' 50" East 485.00 feet to a point; thence South 01 degree 20' 10" East 49.99 feet to a point; thence along a curve to the

left having a radius of 1185.59 feet, an included angle of 06 degrees 27' 10", and a chord which bears South 33 degrees 25' 10" West, 133.45 feet, an arc distance of 133.52 feet to a point; thence South 30 degrees 11' 40" West, 205.04 feet to a point; thence along a curve to the right having a radius of 532.89 feet, an included angle of 10 degrees 46' 00" and a chord which bears east 39 degrees 34' 40" West 99.99 feet, an arc distance of 100.14 feet to a point; thence north 49 degrees 10' 40" West 325.96 feet to a point; thence North 01 degree 20' 10" West 88.44 feet to the point of beginning;

Parcel ID: 14-50-21-000-000-012.008;

- (aa) Real Property at 13 Cove Trail, New Florence, Missouri 63363; more particularly described as follows:

A tract of land being part of the Northeast Quarter of Section 24, Township 47 North, Range 5 West, Montgomery County, Missouri and being more particularly described as follows: Commencing at an iron pipe marking the center of Section 24; thence South 87 degrees 45' 11" East along the East-West Center Section line 1120.92 feet to a point; thence departing from said center Section line North 01 degrees 26' 43" East 707.31 feet to the point of beginning of tract herein described; thence North 81 degrees 26' 54" West 152.81 feet to the centerline of a 30 foot road easement; thence following said centerline on a curve to the left, having a tangent bearing North 03 degrees 54' 46" East, a radius of 195.00 feet and an arc length of 105.42 feet; thence North 27 degrees 03' 41" West 35.51 feet; thence along a curve to the left having a radius of 360.00 feet, a central angle of 08 degrees 36' 56" and an arc length of 54.13 feet; thence departing from said centerline North 54 degrees 19' 23" East 210.31 feet to a point; thence South 21 degrees 43' 47" East 60.70 feet; thence South 04 degrees 53' 14" East 269.80 feet to the point of beginning of tract herein described;

Parcel ID: 14-60-24-000-000-059.000;

- (bb) Real Property at Rural Route 2, Box 35A, Carrollton, Illinois 62016; more particularly described as follows:

Parcel 1:

Part of the Southeast Quarter of Section 35, Township 10 North, Range 12 West of the Third Principal Meridian, Greene County, Illinois, being more particularly described as follows:

Beginning at the Northeast corner of the Northwest Quarter of said Southeast Quarter; thence North 90 degrees 00 minutes 00 seconds East along the North line of said Southeast Quarter, a distance of 559.35 feet to the centerline of Sand Branch; thence South 12 degrees 13 minutes 48 seconds West along said centerline, a distance of 7.54 feet; thence South 31 degrees 31 minutes 17 seconds West along said centerline, a distance of 62.93 feet; thence South 47 degrees 38 minutes 46 seconds West along said centerline, a distance of 85.01 feet; thence South 17 degrees 17 minutes 54 seconds East along said centerline, a distance of 146.35 feet; thence South 77 degrees 05 minutes 34 seconds East along said centerline, a distance of 264.38 feet; thence South 64 degrees 23 minutes 42 seconds East along said centerline, a distance of 63.77 feet; thence South 07 degrees 54 minutes 46 seconds East along said centerline, a distance of 93.30 feet; thence South 12 degrees 55 minutes 34 seconds West along said centerline, a distance of 225.76 feet; thence South 22 degrees 45 minutes 00 seconds East along said centerline, a distance of 156.19 feet to the centerline of Links Branch; thence South 67 degrees 17 minutes 37 seconds West along the centerline of said Links Branch, a distance of 59.72 feet; thence South 84 degrees 57 minutes 37 seconds West along said centerline, a distance of 69.24 feet; thence South 43 degrees 00 minutes 34 seconds West along said centerline, a distance of 96.43 feet; thence South 53 degrees 03 minutes 51 seconds West along said centerline, a distance of 70.32 feet; thence South 75 degrees 07 minutes 07 seconds West along said centerline, a distance of 185.79 feet; thence South 89 degrees 34 minutes 41 seconds West along said centerline, a distance of 174.09 feet; thence North 65 degrees 57 minutes 11 seconds West along said centerline, a distance of 153.50 feet; thence North 70 degrees 12 minutes 50 seconds West along said centerline, a distance of 340.79 feet; thence North 14 degrees 55 minutes 41 seconds East, a distance of 842.55 feet to the point of beginning, and

Parcel 2:

A 16 foot wide ingress and egress easement being centered on the following described line:

Commencing at the Northwest corner of said Southeast Quarter; thence South 00 degrees 53 minutes 56 seconds East along the West line of said Southeast Quarter a distance of 256.44 feet to the point of beginning. From said point of beginning; thence South 61 degrees 06 minutes 05 seconds East, a distance of 119.10 feet; thence South 71 degrees 02 minutes 33 seconds East, a distance of 390.81 feet; thence South 49 degrees 24 minutes 49 seconds East, a distance of 103.37 feet; thence South 57 degrees 53 minutes 16 seconds East, a distance of 181.47 feet; thence South 72 degrees 47 minutes 06 seconds East, a distance of 453.44 feet to the point of terminus; and

Parcel 3:

An Easement for ingress and egress granted by Dean Evans and Rachel Evans in document recorded January 25, 2010 as Book 589 and Page 92, more particularly described as follows:

A 16 feet wide ingress / egress easement being centered on the following described line:

Commencing at the Northwest corner of the Northeast Quarter of said Southwest Quarter; thence North 89 degrees 58 minutes 53 seconds East along the North line of the Northeast Quarter of said Southwest Quarter, a distance of 327.83 feet; thence South 00 degrees 01 minute 07 seconds East, a distance of 15.00 feet to the point of beginning.

From said point of beginning; thence North 89 degrees 58 minutes 53 seconds East, a distance of 821.70 feet; thence South 35 degrees 39 minutes 53 seconds East, a distance of 272.32 feet; thence South 61 degrees 06 minutes 05 seconds East, a distance of 41.68 feet to the East line of the Northeast Quarter of said Southwest Quarter and the point of terminus,

Parcel No: 03-91-35-11-2;

- (cc) Real Property directly south and bordering the Real Property and residence of 25333 Cheyenne Lane, Warrenton, Missouri 63383; more particularly described as follows:

A tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 2, Township 46 North, Range 3 West, Warren County, Missouri, and being described as follows:

Commencing at an old rock pile at the Southeast Comer of Section 2; thence along the East line of Section 2, North 01°- 42' East 103.59 feet; thence along the centerline of Clark's Hollow, South 58°- 37' West 51.16 feet; thence North 83°- 41' West 98.31 feet to the place of beginning of the said tract of land; thence North 83°- 41' West 585.89 feet thence South 66°- 59' West 202.24 feet; thence South 46°- 44' West 90.92 feet; thence along the South line of the Southeast Quarter of the Southeast Quarter, North 89°-22' West 444.24 feet to an old iron rod; thence North 66°-39' East 1048.78 feet to an iron rod; thence North 27°-38' East 270.84 feet to a point in the centerline of a 50 foot wide road and utility easement; thence leaving the said centerline, South 30°-01' East 159.73 feet to an old iron rod; thence South 15°- 45' East 443.37 feet to the place of beginning and containing 6.00 acres, more or less,

TOGETHER WITH road and utility easements as more fully described in Book 1301 page 920 of the Warren County Records.

Parcel No: 09-02.2-0-00-001.013.000;

(dd) Real Property at 241 McClay Road, Winfield, Missouri 63389;

Parcel 1:

A 3.153 acre tract, being part of a tract of land conveyed by Deed Book 403 page 192 of the Lincoln County Records, situated in the Southwest 1/4 and Northwest 1/4 of Section 9, Township 49 North, Range 2 East of the Fifth Principal Meridian, Lincoln County, Missouri and being more particularly described as follows:

Commencing at an old Stone marking the Southwest 1/16 corner of Section 9, Township 49 North, Range 2 East; thence North 01 degrees 17 minutes 33 seconds West, with the 1/16 Section line, 1288.90 feet to an iron rod marking the beginning point of the tract of land herein described; thence North 01 degrees 17 minutes 33 seconds West, continuing with the 1/16 Section line, 48.84 feet to an old stone marking the West center-center 1/16 corner of Section 9, Township 49 North, Range 2 East, thence

North 01 degrees 17 minutes 33 seconds West 244.53 feet to the centerline of the creek; thence South 52 degrees 27 minutes 59 seconds East, along the centerline of the creek, 496.34 feet thence South 74 degrees 21 minutes 09 seconds West, departing the centerline of the creek 224.47 feet to an iron rod; thence South 27 degrees 34 minutes 12 seconds East 536.16 feet to the centerline of county road 651 a.k.a McClay Road; thence South 63 degrees 36 minutes 45 seconds West, along the centerline of said county road, 106.71 feet; thence North 28 degrees 37 minutes 57 seconds West, departing said centerline, 674.87 feet to the beginning point, and

Parcel 2:

A 3.000 acre tract, being part of a tract of land conveyed by Deed Book 403 page 192 of the Lincoln County Records, situated in the Southwest 1/4 of Section 9, Township 49 North, Range 2 East of the Fifth principal Meridian, Lincoln County, Missouri and being more particularly described as follows:

Commencing at an old stone marking the Southwest 1/16 corner of Section 9, Township 49 North Range 2 East; thence North 01 degrees 17 minutes 33 seconds West, with the 1/16 section line, 479.85 feet; thence North 88 degrees 19 minutes 11 seconds East, departing the 1/16 section line, 93.08 feet to the centerline of county road 651 a.k.a McClay Road; thence with said centerline the following: North 31 degrees 31 minutes 54 seconds East 126.30 feet; North 53 degrees 59 minutes 50 seconds East, 180.54 feet; North 63 degrees 36 minutes 45 seconds East, 106.71 feet to the beginning point of the tract of land herein described; thence continuing with said centerline the following: North 63 degrees 36 minutes 45 seconds East, 138.35 feet; North 58 degrees 36 minutes 09 seconds East, 154.76 feet to its intersection with the centerline of the creek; thence North 36 degrees 11 minutes 23 seconds West, departing the centerline of said county road, along the centerline of the creek 487.82 feet; thence South 74 degrees 21 minutes 09 seconds West, departing the centerline of the creek, 224.47 feet to an iron rod; thence South 27 degrees 34 minutes 12 seconds East, 536.16 feet to the beginning point. All as shown on a survey and plat by William J. Shay Jr., Lincoln County Surveyor, in Survey Record Book E1 page 52 of the Lincoln County Records.

Parcel No: 13-20-09-000-000-020.007.

2. That the aforementioned forfeited property is to be held by the United States, as indicated, in its secure custody and control.


3. That pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States is hereby authorized to conduct any discovery permitted by the Federal Rules of Civil Procedure in order to identify, locate, or dispose of any property subject to forfeiture under this order, including depositions, interrogatories, subpoenas, and requests for production.

4. That pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), this Order shall become final as to Defendants upon sentencing.

5. That the United States shall publish notice of this Order and send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture as set forth in Federal Rule of Criminal Procedure 32.2(b)(6) and Title 21, United States Code, Section 853(n).

6. That upon adjudication of all third-party interests, this Court shall enter a Final Order of Forfeiture pursuant to Title 21, United States Code, Section 853(n), in which all of the property to which the United States is entitled will be ordered forfeited, to be disposed of according to law.

So ordered this 6th day of May, 2016.


HONORABLE JOHN A. ROSS
UNITED STATES DISTRICT JUDGE